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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1071/96

dated : 14.7.1997

Between

G.V. Subba Rao : Applicant

and

1. Sr. Divnl. Personnel Officer  
SC Rly., Secunderabad Divn.  
Sanchalan Bhavan, Secunderabad

2. Divnl. Rly. Manager  
SC Rly. Secunderabad Divn.  
Sanchalan Bhavan  
Secunderabad

3. General Manager  
SC Rly., Rail Nilayam  
Secunderabad : Respondents

Counsel for the applicant : M.C. Jacob  
Advocate

Counsel for the respondents : K. Siva Reddy  
SC for Railways

CORAM

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.) *for* *14/7*

## Judgement

Order (per Hon. Mr. H. Rajendra Prasad, Member(Admn.))

The applicant was recruited as ASM in August, 1988, in the pay scale of Rs.1200-2040, and promoted in June, 1991 to ASM Grade I in the scale of Rs.1400-2300. He requested for inter-divisional transfer to Secunderabad Division and, on the request being granted, joined the said division in August, 1991. He continued to draw the basic pay of Rs.1400 in the scale Rs.1400-2300 in the new Division between 20-8-91 to September, 1992. His pay was thereafter reduced to Rs.1200 and action was also initiated to recover certain overpayments. On approach to this Tribunal (OA.1422/93), the order of recovery was set aside and respondents were directed to protect his pay as per Rule.1313(a)(iii) of IREM, Vol.I. The respondents there upon revised the pay of the applicant from Rs.1200 to 1260, with an addition of Rs.140/- as personal pay. Aggrieved by this action, the applicant again approached the Tribunal (OA.1616/95), whereupon the respondents were directed to dispose of a representation of the applicant, stated to be pending at the time, after taking note of the precedence in OA.1252/94. In compliance with this direction the DRM disposed of the representation by rejecting the claim. It was held by him that whereas the applicant in OA.1252/94 was holding a substantive appointment in Rs.1400-2300 grade this applicant had been holding the Grade I post for barely 55 days at the time of his request transfer from Secunderabad to Hyderabad Division. It is explained by the respondents that the position regarding holding of a substantive post has been clarified in para 1(b) of South

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Central Railway, Personnel Branch, Serial Circular No. 95/1996, dated 23-9-96 thus :

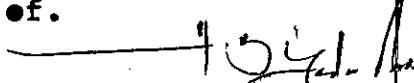
"(b) In respect of an employee who was transferred at his own request as above prior to 1-1-1989 if he had been confirmed in that particular higher grade, he can be treated as holding the post, in higher grade substantively in respect of others i.e. after 1-1-1989, if the employee having been appointed/promoted to the post on regular basis, held the post continuously for a minimum period of two years, he is deemed to have held the post substantively (Ref. S.C.R. Serial Circular No.30/1989)."

2. The main ground for the rejection of the applicant's claim, viz., that he is not holding Grade I post substantively has been gone into in great detail by the Cuttack Bench of this Tribunal in OA.742, 743, 744, 745, 746, 792, 793/95 and 195/96 reported in AISLJ 1997(1)(CAT)191 (Nalimikanta Sahoo & Others vs. Union of India).

3. In view of the judgement delivered in the said OAs, with which I am in total agreement, nothing needs to be added by way of comment in the present OA. A copy of the said OA shall be sent to the respondents along with the copy of this order for facilitating ready reference.

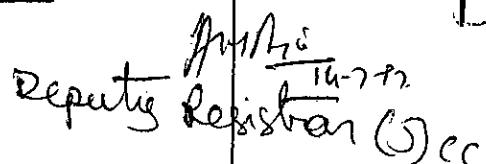
4. It is directed that claim of the applicant be examined and decided by Respondents 1 and 2 in the light and terms of the said judgement. This may be done within a period of 45 days from the date of receipt of copy of this order.

5. Thus the OA is disposed of.

  
(H. Rajendra Prasad)  
Member(Admn.)

Dated : 14.7.1997

sk

  
Deputy Registrar <sup>14-7-97</sup>  
OCC

0.A.1071/96.

To

1. The Sr. Divisional personnel Officer,  
SC Rly, Secunderabad Division,  
Sanchalan Bhawan, Secunderabad.
2. The Divisional Railway Manager,  
SC Rly, Secunderabad Division,  
Sanchalan Bhawan, Secunderabad.
3. The SC copy to Mr. M.C. Jacob, Advocate, CAT.Hyd.
4. copy to Mr. K. Siva Reddy, SC for Rlys, CAT.Hyd.
- One copy to HHRP.M(A) CAT.Hyd.
8. One spare copy.

pvm

apple  
25/7/97

COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE  
VICE-CHAIRMAN  
and                   

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 14-7-1997

ORDER/JUDGMENT

M.A./R.A./C.A.NO.

in

C.A.No. 1071/96

T.A.No.

(w.p.)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक विधिकरण  
Central Administrative Tribunal  
देशभ/DESPATCH  
21 JUL 1997  
हृदरावाद न्यायपौड  
HYDERABAD BENCH